

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

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Beverly Arlene Moraine,

Plaintiff,

vs.

REPORT AND RECOMMENDATION

Social Security Administration,

Defendant.

Civ. No. 08-5982 (JRT/RLE)

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This matter came before the undersigned United States Magistrate Judge pursuant to a routine supervision of cases before us, and an assignment made in accordance with Title 28 U.S.C. §636(b)(1)(B).

This action was commenced on November 13, 2008, by the filing of a Complaint with the Clerk of Court. See, Docket No. 1. By this action, the Plaintiff seeks review of the final decision of the Commission of the Social Security Administration, which denied her application for Disability Insurance Benefits (“DIB”). Id. On March 31, 2009, as is required by the Local Rules of the District, the Defendant filed its Answer, and a certified copy of the Transcript of the Administrative Record, in this matter. See, Docket Nos. 12-13. On June 11, 2009,

it having appeared that more than sixty (60) days had passed, and that the Plaintiff had not filed her Motion for Summary Judgment, as is required by Local Rule 7.2(b)(1), we issued an Order which stated as follows:

That the Plaintiff is directed to show good cause, in writing, within ten (10) days of the date of this Order, for an extension of time in which to file her Motion for Summary Judgment. In the absence of good cause shown, the Court shall Recommend that this action be dismissed for failure to timely file the Plaintiff's Motion for Summary Judgment, and for failure of prosecution.

Docket No. 14.

The deadline for satisfying the requirements of this Court's Order has since expired, and the Plaintiff has failed to comply. Therefore, based on the Plaintiff's failure to comply with our Order dated June 11, 2009, her failure to timely file a Motion for Summary Judgment, and her failure to prosecute this action, we recommend that her Complaint be dismissed, but without prejudice. See, Rule 41(b), Federal Rules of Civil Procedure (declaring that actions may be dismissed for failure to comply with Court Orders); see also, Link v. Wabash R.R. Co., 370 U.S. 626, 630-31 (1962) (recognizing that a Federal Court has the inherent authority to "manage [its] own affairs so as to achieve the orderly and expeditious disposition of cases"). .

NOW, THEREFORE, It is --

RECOMMENDED:

That the Plaintiff's Complaint [Docket No. 1] be dismissed, but without prejudice, for failure to comply with this Court's Order dated June 11, 2009, for failure to timely file a Motion for Summary Judgment and for failure of prosecution.

BY THE COURT:

Dated: July 1, 2009

s/ Raymond L. Erickson

Raymond L. Erickson

CHIEF U.S. MAGISTRATE JUDGE

NOTICE

Pursuant to Rule 6(a), Federal Rules of Civil Procedure, D. Minn. LR1.1(f), and D. Minn. LR72.2(b), any party may object to this Report and Recommendation by filing with the Clerk of Court, and by serving upon all parties **by no later than July 17, 2009**, a writing which specifically identifies those portions of the Report to which objections are made and the bases of those objections. Failure to comply with this procedure shall operate as a forfeiture of the objecting party's right to seek review in the Court of Appeals.

If the consideration of the objections requires a review of a transcript of a Hearing, then the party making the objections shall timely order and file a complete transcript of that Hearing **by no later than July 17, 2009**, unless all interested parties stipulate that the District Court is not required by Title 28 U.S.C. §636 to review the transcript in order to resolve all of the objections made.